

DEC 28 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Whitehouse
Serial No.:	09/901,428
Title:	<b>Multiple Ion Guide</b>
Filing Date:	July 9, 2001
Examiner:	Kiet Tuan Nguyen
Group:	2881
Atty Docket No.:	840.052.203

PATENT  
APPLICATION

VIA FACSIMILE: 571-273-8300

ATTENTION: Deputy Comm'r for Patent Examination Policy

Mail Stop: Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RENEWED PETITION TO HAVE ENTERED AN UNINTENTIONALLY DELAYED  
DOMESTIC PRIORITY CLAIM UNDER 37 CFR § 1.78(a)(3) AND MPEP § 1002.02(b)**

Sir:

Applicant submits the instant *Renewed* Petition to have entered the unintentionally delayed priority claim of the above-captioned application to 09/808,468 filed March 14, 2001. It is a continuation thereof. An Amendment is being filed herewith to correct the priority claim in accordance with the December 13, 2006 Decision on Petition. The petition fee of \$1370 (per 37 CFR § 1.17(t)) was already charged for the initial petition, and it is believed that no additional fees are required for the instant *Renewed* Petition. However, should any fees actually be required to support this *Renewed* Petition, they should be charged to the undersigned's Deposit Account No. 02-2105 as well as any other fees necessary to maintain the pendency of the application.

On May 22, 2006, the Examiner issued an Office Action stating that the Applicant failed to claim priority to U.S. Patent Appl'n No. 09/808,468 in a timely manner when it made such

**U.S. Pat. Appl'n No. 09/901,428**

**Inventor: Whitehouse**

**Renewed Petition to Have Entered Unintentionally  
Delayed Priority Claim**

claim via an amendment on February 8, 2006. This priority claim is necessary to establish continuity to one or more prior issued U.S. patents which are required to support Applicant's request to provoke an interference. Applicant had petitioned to have its February 8, 2006 claim of priority entered as unintentionally delayed pursuant to 37 CFR § 1.78(a)(3) and MPEP § 1002.02(b). That petition was dismissed because a) the amendment arguably failed to "direct placement of the amendment to the first sentence of the specification on page one following the title"; and b) the reference to the prior filed application was improper. A new amendment with the requisite reference is being submitted herewith.

In accordance with 37 CFR § 1.78(a)(3)(i)-(iii), such a petition must have three components: i) the reference to the prior-filed application, unless previously submitted; ii) the surcharge under 37 CFR § 1.17(t); and iii) a statement that the entire delay in making the priority claim was unintentional. Regarding item i), the reference is submitted herewith via amendment. *Should an additional reference be required, the Office is respectfully requested to telephone the undersigned prior to denying the Petition so that any errors may be corrected.* Regarding item ii), the fee under § 1.17(t) was already charged to the undersigned's Deposit Account No. 02-2105. Regarding item iii), Applicant and the undersigned respectfully submit that the entire delay between the date that the claim was due under § 1.78(a)(2)(ii) and the date the claim is filed was unintentional.

Prompt and favorable consideration on the merits is respectfully requested.

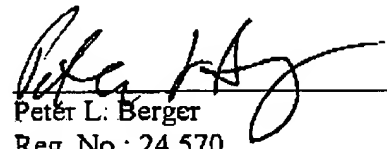
U.S. Pat. Appl'n No. 09/901,428  
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Renewed Petition to Have Entered Unintentionally  
Delayed Priority Claim

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension may be charged to Deposit Account No. 02-2105.

Dated: December 28, 2006

Respectfully submitted,

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